

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**CASSANDRA C DE BACA, as Personal Representative  
of the ESTATE OF BEN C DE BACA, deceased,**

**Plaintiff,**

**v.**

**Cause No. 17-CV-01058 JB/LF**

**TOWN OF BERNALILLO, ex. rel  
TOWN OF BERNALILLO POLICE DEPARTMENT;  
OFFICER JEREMIAH BENJEY, sued in his individual capacity;  
OFFICER SHAWN VIGIL, sued in his individual capacity;  
COUNTY OF SANDOVAL, ex. rel  
SANDOVAL COUNTY SHERIFF'S DEPARTMENT;  
OFFICER PATRICK SEGURA, sued in his individual capacity;  
SERGEANT JAMES LAPORTE, sued in his individual capacity;  
Officer John Doe, 1-10, sued in their individual capacity**

**Defendants.**

**JOINT MOTION TO APPROVE SETTLEMENT**

COME NOW, Defendants Town of Bernalillo, Town of Rio Rancho, and Plaintiff Cassandra C de Baca as personal representative of the Estate of Ben C de Baca, by and through their respective attorneys of record, and hereby jointly move the Court for approval of settlement terms that have been agreed upon by the parties. As grounds for this Motion, these parties would show the Court that:

1. These parties state that they have settled all remaining claims in the above-styled and numbered lawsuit, other than those against the County of Sandoval and Officer Patrick Segura, which were dismissed by a previous order of this Court. The parties

further state that the fair and reasonable settlement amount for the Estate of Ben C de Baca and his minor children, J.C., J. B., and A.C., needs approval of this Court.

2. The plaintiffs filed the above-styled and numbered lawsuit for wrongful death against the defendants as set out more fully in the Complaint filed in this matter.
3. A claim for damages has been asserted by Cassandra C de Baca, as the personal representative of the Estate of Ben C de Baca. Defendants the Town of Bernalillo and the Town of Rio Rancho and Plaintiff Cassandra C de Baca have agreed on settlement terms among and between each other. The wrongful death beneficiaries of the Estate include three minor children, J.C., J. B., and A.C..
4. Based upon the facts of this case, the parties move to have this Court approve the settlement on behalf of Ben C de Baca's minor children, , J.C., J. B., and A.C..
5. The parties to the settlement, the Town of Bernalillo, the Town of Rio Rancho, and Plaintiff Cassandra C de Baca, as the personal representative of the Estate of Ben C de Baca, request that this matter be referred to U.S. Magistrate Judge Laura Fashing for approval. The parties agree to waive any objections to this referral. Although Defendants Board of County Commissioners of Sandoval County and Patrick Segura are no longer parties to the settlement agreement, they do not oppose the requested referral to Judge Fashing for the express and limited purpose of seeking court approval of the settlement agreement, and they waive any objections to the referral that is being requested for that limited purpose.

WHEREFORE, the parties move the Court for approval of the terms of the settlement of the claims which have been asserted by Cassandra C de Baca, as the personal representative of the

Estate of Ben C de Baca and Mr. C de Baca's minor children, J.C., J. B., and A.C.. in the above-styled and numbered case.

Respectfully submitted,

BRENNAN & SULLIVAN, P.A.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 14<sup>th</sup> day of December, 2018, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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